

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

U.S. DISTRICT COURT
SO. DIST. AL.
MOBILE, AL 36602

Aug 1 2 57 PM '94
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UNITED STATES

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versus

CRIMINAL CASE 94-00061-CB

DON LEONARD SCOTT

MEMORANDUM IN SUPPORT OF MOTION TO SEVER

May it please the Court:

This matter was originally scheduled to be tried separately. However, the accused Don Leonard Scott was advised that the prosecution had decided to consolidate his trial with that of Bill Ware. Mr. Scott was not given the opportunity to object to this consolidation.

It was not until August 1, 1994 that counsel for Mr. Scott had the opportunity to meet with and discuss this matter for counsel for Mr. Ware. At that time, counsel for Mr. Scott was advised that Mr. Ware would present a defense that was mutually inconsistent with his. Counsel was advised that Mr. Ware's trial strategy is to contend that his client was taken advantage of by the better educated and more sophisticated defendants, including Mr. Scott. It is Mr. Scott's contention that he was not involved in this matter and that others, including Mr. Ware, have implicated him for their own reasons.

Counsel for Mr. Ware has indicated that he has no objection to the severance and would accept the jury selected in this matter even though counsel for Mr. Scott participated in the selection.

Under these circumstances, the defenses of the two


defendants will clearly be inconsistent with one another and a severance should be granted.

Respectfully Submitted:

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and

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By: Eulis Simien, Jr.
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Certificate

Undersigned certifies that he has hand delivered a copy of this motion and supporting memorandum to the United States Attorney on this 1st day of August, 1994.


Eulis Simien, Jr.